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James Dzurenda, Michele Ewing, Gail Holmes,  
Scott Mattinson and William Reubart*

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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

BENJAMIN ESPINOSA,

Plaintiff,

vs.

FILSON, et al.,

Defendant.

Case No. 3:18-cv-00298-MMD-CLB

*ORDER*

**DEFENDANTS' MOTION TO VACATE  
DISPOSITIVE MOTIONS DEADLINE  
PENDING COURT'S RULING ON  
MOTION TO COMPEL (ECF No. 97)**

Defendants, Romeo Aranas, Gloria Carpenter, Michelle Clay, James Dzurenda, Michele Ewing, Gail Holmes, Scott Mattinson and William Reubart, by and through counsel, Aaron D. Ford, Attorney General of the State of Nevada, and Rost C. Olsen, Deputy Attorney General, hereby file their Motion to Vacate Dispositive Motions Deadline Pending Court's Ruling on Motion to Compel (ECF No. 97).

**MEMORANDUM OF POINTS AND AUTHORITIES**

On November 5, 2019, the Court entered its Minute Order, in which it set the deadline for dispositive motions in this matter on January 29, 2020. ECF No. 92 at 1-2. On January 13, 2020, Plaintiff Benjamin Espinosa (Espinosa) filed his Motion to Compel Discovery (Motion to Compel), in which he seeks to compel the production of certain documents, and requests oral argument. ECF No. 97. Defendants filed their Opposition to the Motion to Compel on January 28, 2020. ECF No. 99. The matter remains pending before the Court.

I. EXTENSION OF TIME

Federal Rule of Civil Procedure 6(b)(1) governs extensions of time and provides as follows:

When an act may or must be done within a specified time, the court may, for good cause, extend the time: (A) with or without motion or notice if the court acts, or if a request is made, before the original time or its extension expires; or (B) on motion made after the time has expired if the party failed to act because of excusable neglect.

In this matter, there is a pending contested discovery motion. ECF No. 97. The Court's ruling on the Motion to Compel will either permit or deny the availability of certain evidence, which may, in turn, affect either party's decision to file a dispositive motion or the substantive analysis within any dispositive motion. Accordingly, good cause exists as this matter may not be ripe for a dispositive motion until the Court makes its ruling on the Motion to Compel. *See* Fed. R. Civ. P. 6(b)(1).

Therefore, for the foregoing reasons, Defendants move this Court to vacate the January 29, 2020 dispositive motion deadline as set in ECF No. 92, and reset it for 30 days after the Court enters an order adjudicating Espinosa's pending Motion to Compel (ECF No. 97).

DATED this 28th day of January, 2020.

AARON D. FORD  
Attorney General

By: /s/ Rost C. Olsen  
ROST C. OLSEN, Bar No. 14410  
Deputy Attorney General

*Attorneys for Defendants*

IT IS SO ORDERED  
Galdi  
U.S. MAGISTRATE JUDGE  
DATED: 1/31/2020